



Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

April 1, 1993

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Marianne DeLia, M.D.
247 Noth Delay Avenue
Covina, CA 91723

RE: License No. 139905
Effective Date: 4/8/93

Dear Dr. DeLia:

Enclosed please find Order #BPMC 93-49 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0614

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: James Jay Seltzer, Esq.
Watergate Towers, 10th Floor
2200 Powell Street
Emeryville, CA 94608

Kevin Donovan, Esq.

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
: IN THE MATTER :
: OF : ORDER
: MARIANNE DELIA, M.D. : BPMC 93-49
: :
-----X


Upon the application of Marianne DeLia, M.D.
(Respondent) for Consent Order, which application is made a part
hereof, it is

ORDERED, that the application and the provisions
thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the
date of the personal service of this order upon Respondent, upon
receipt by Respondent of this order via certified mail, or seven
days after mailing of this order by certified mail, whichever
is earliest.

SO ORDERED,

DATED: 30 March 1993


Charles J. Vacanti M.D.
Chairperson
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
 IN THE MATTER : APPLICATION
 OF : FOR
 MARIANNE DELIA, M.D. : CONSENT
 : ORDER
 -----X

STATE OF CALIFORNIA)
) ss.:
 COUNTY OF ALAMEDA)

Marianne DeLia being duly sworn, deposes and says:

That on or about October 5, 1979, I was licensed to practice as a physician in the State of New York, having been issued License No. 139905 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board of Professional Medical Conduct has charged me with two Specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the Second Specification in full satisfaction of the charges against me.

I hereby agree to the penalty that my license be revoked, the Revocation will be stayed, and that I will be placed on probation for a period of three years under the Terms of Probation set forth in Appendix B, hereto attached.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

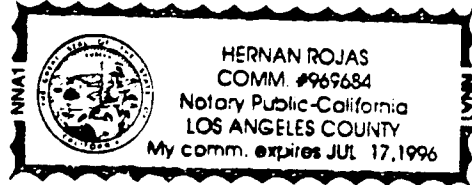
I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Marianne Delia, M.D.

MARIANNE DELIA, M.D.
RESPONDENT

Sworn to before me this
8 day of MARCH, 1993.

Hernan Rojas
NOTARY PUBLIC



STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
 : APPLICATION
 IN THE MATTER :
 : FOR
 OF :
 : CONSENT
 MARIANNE DELIA, M.D. :
 : ORDER
 -----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 3/8/93

Marianne Delia, M.D.
MARIANNE DELIA, M.D.
RESPONDENT

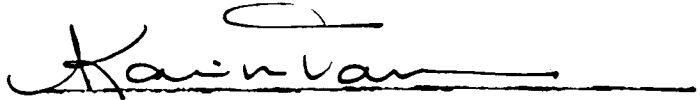
Date: 3/18/93

James Jay Seltzer, Esq.
JAMES JAY SELTZER, ESQ.
ATTORNEY FOR RESPONDENT

Date: 3/22/93

Kevin P. Donovan
KEVIN P. DONOVAN
ASSISTANT COUNSEL
BUREAU OF PROFESSIONAL
MEDICAL CONDUCT

Date: March 31, 1993



KATHLEEN M. TANNER
DIRECTOR
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Date: 30 March 1993



CHARLES J. VACANTI, M.D.
CHAIRPERSON
STATE BOARD FOR
PROFESSIONAL MEDICAL CONDUCT

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : STATEMENT
OF : OF
MARIANNE DE LIA, M.D. : CHARGES
-----X

MARIANNE DE LIA, M.D., the Respondent, was authorized to practice medicine in New York State on October 5, 1979 by the issuance of license number 139905 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine in New York State. Respondent's last known address is 247 North Delay Avenue, Covina, California 91723.

FACTUAL ALLEGATIONS

A. By Order dated May 8, 1991, the Division of Medical Quality of the Medical Board of California entered an Order finding that the Respondent had committed gross negligence and negligence on more than one occasion and revoked Respondent's license to practice medicine in California; the revocation was stayed and Respondent was placed on five years of probation.

B. The conduct of which Respondent was found guilty by the Division of Medical Quality of the Medical Board of California

and/or on which disciplinary action was taken against her would, if committed in New York State, constitute professional misconduct under the laws of New York State to wit: practicing the profession with gross negligence, as specified in Education Law Section 6530(4), and/or practicing the profession with negligence on more than one occasion as specified in Education Law §6530(3)(McKinney Supp. 1992).

FIRST SPECIFICATION

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(b)(McKinney Supp. 1992) [(formerly New York Education Law §6509(5)(b))] in that she has been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York State, constitute professional misconduct under the laws of New York state in that Petitioner charges:


1. The facts of paragraphs A and B.

SECOND SPECIFICATION

Respondent is charged with professional misconduct within the meaning of New York Education Law §6530(9)(d) (McKinney Supp. 1992) [(formerly New York Education Law §6509(5)(d)] in that she has had her license revoked or other disciplinary action taken after disciplinary action was instituted by a duly authorized professional disciplinary agency of another state where the conduct resulting in the revocation or other disciplinary action would, if committed in New York State, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts of paragraphs A and B.

DATED: Albany, New York
January 26, 1993



PETER D. VAN BUREN
Deputy Deputy
Bureau of Professional Medical
Conduct

EXHIBIT "B"

TERMS OF PROBATION

1. MARIANNE DELIA, M.D., during the period of probation, shall conduct herself in all ways in a manner befitting her professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by her profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), three months prior to beginning any practice in New York State, that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, at the above address.
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the State Board of Professional Medical Conduct.

6. Respondent's license to practice medicine in the State of California is presently on probation pursuant to an Order of the Division of Medical Quality, Medical Board of California, effective on June 7, 1991 which revoked the Respondent's certificate No. A-35540, stayed the revocation and placed her on probation for five years upon terms and conditions. These terms and conditions require certain re-educational and and re-testing provisions; A monitor of Respondent's practice who provides periodic reports to the Division; a prohibition of of solo practice; a requirement that all federal, state and local laws and rules governing the practice of medicine in California be obeyed; Respondent's submitting quarterly declarations under penalty of perjury stating whether there has been compliance with all conditions of probation; compliance with the Division's probation surveillance program and appearance for interviews with the Division's medical consultant. Respondent will insure that the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, State of California provide the Director of OPMC with all documents they receive and consider regarding the ongoing monitoring of Respondent's probation and Respondent's compliance with the terms and conditions of the California Order. The Director of OPMC shall receive this information for the duration of the five year probation in the State of California or for the three years called for in this Consent Order, whichever is longer.
7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.